

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of

Amendment of the Commission's Rules
Concerning Maritime Communications

Petition for Rule Making filed by
Regionet Wireless License, LLC

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

PR Docket No. 92-257

RM-9664

To: The Commission

REPLY TO SUPPLEMENT TO OPPOSITION TO PETITION FOR RECONSIDERATION

Mobex Communications, Inc. ("Mobex") hereby respectfully submits its Reply to the Supplement to Opposition to Petition for Reconsideration (Havens's Supplement) filed on October 9, 2002 in the above captioned matter by Warren C. Havens and Telesaurus Holdings GB, LLC (jointly, "Havens"). In support of its position, Mobex shows the following.

The Commission Should Dismiss and Disregard Havens's Supplement

The Commission's Rules do not authorize an endless stream of pleadings in a rule making proceeding. Havens not only did not request leave to file his Supplement, but showed no reason why he could not have included his argument in his regular opposition. Procedurally, Havens's Supplement is puzzling because he identified it as a supplement to his opposition and attached a certificate of service on undersigned counsel, but he requested ex parte status for his presentation. Havens's Supplement stated that it had been filed electronically, but did not indicate that Havens had complied with the requirement of 47 C.F.R. §1.1206(b)(1) to file two written copies with the

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Secretary. If not dismissing Havens's Supplement as an unauthorized pleading, the Commission should dismiss or disregard the filing as not in compliance with Rule Section 1.1206(b)(1).

Havens's ATLIS proposal is not within the scope of the above captioned proceeding. Therefore, Havens's Supplement need not be considered by the Commission.

Havens mischaracterized Mobex's position in its Opposition to Havens's petition for reconsideration in the above-referenced matter (Mobex Opposition). Mobex did not assert that there is no need for more Public Safety spectrum, rather, Mobex stated that "Havens failed to demonstrate that there was any need for reallocation of the AMTS spectrum to Public Safety and industrial use," Mobex Opposition at 3. Havens's Supplement still provided no support for an argument that the AMTS spectrum should be allocated to a use other than AMTS.

Spectrum in the AMTS band would not meet the expressed needs of Public Safety. The public has an investment of billions of dollars in equipment which will not tune to the AMTS frequencies. While the Public Safety community may need additional spectrum below 512 MHz to improve interoperability, it needs spectrum which can be tuned by the equipment which is currently in use.

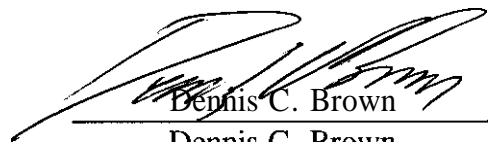
Public Safety will need new equipment to use 700 MHz. Havens did not show that production of a handheld unit which would tune both the 700 MHz band and the 217-219 MHz band would ever be feasible, either technically or financially. At some point, Public Safety users are

likely to have to carry two radios during the transition to 700 MHz. (Many already carry both a private dispatch unit and a CMRS telephone.) The cause of interoperability would hardly be advanced by burdening Public Safety personnel with yet another radio unit for the AMTS band.

Conclusion

For all the foregoing reasons, the Commission should dismiss and disregard Havens's Supplement.

Respectfully submitted,
MOBEX COMMUNICATIONS, INC.



Dennis C. Brown

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Dated: October 15, 2002

CERTIFICATE OF SERVICE

I hereby certify that on this fifteenth day of October, 2002, I served a copy of the foregoing
on the following person by placing a copy in the United States Mail, first class postage prepaid:

Warren C. Havens
2509 Stuart Street
Berkeley, California 94705



Dennis C. Brown